

Mail Stop Interference  
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Paper 1  
Filed May 10, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge James T. Moore)

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Travis Johnson, John McGowen,  
Allyson Beuhler, Charles Kimball Brush,  
and  
Robert Emil Lajos  
Junior Party  
(Patent 6,372,813 B1),

v.

Wolfgang Pieken, Andreas Wolter,  
David P. Sebesta, Michael Leuck,  
Hallie A. Latham-Timmons, John Pilon,  
and  
Gregory M. Husar  
Senior Party  
(Application 09/845,742).

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Patent Interference No. 105,442 (JTM)  
(Technology Center 1600)

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**DECLARATION - Bd.R. 203(d)<sup>1</sup>**

1        **Part A. Declaration of interference**

2        An interference is declared (35 U.S.C. § 135(a)) between the above-identified  
3 parties. Details of the application(s), patent (if any), reissue application (if any), count(s)

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 and claims designated as corresponding or as not corresponding to the count(s) appear  
2 in Parts E and F of this DECLARATION.

3 **Part B. Judge managing the interference**

4 Administrative Patent Judge James T. Moore has been designated to manage  
5 the interference. Bd. R. 104(a).

6 **Part C. Standing order**

7 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
8 DECLARATION. The STANDING ORDER applies to this interference.

9 **Part D. Initial conference call**

10 A telephone conference call to discuss the interference is set for **May 24, 2006 at**  
11 **2:00 p.m.** (the Board will initiate the call).

12 No later than **four business days** prior to the conference call, each party shall  
13 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;  
14 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

15 A sample schedule for taking action during the motion phase appears as Form 2  
16 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to  
17 the conference call and to agree on dates for taking action. A typical motion period  
18 lasts approximately eight (8) months. Counsel should be prepared to justify any request  
19 for a shorter or longer period.

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The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

1 **Part F. Count and claims of the parties**

2 Count 1

3 Claim 8 of 6,372,813 B1 and Claim 1 of 09/845,742

4 The claims of the parties are:

5 Johnson: Claims 1-12

6 Pieken: Claims 1-3, 8, 11-18, 21, and 25-31

7 The claims of the parties which correspond to Count 1 are:

8 Johnson: Claims 8-12

9 Pieken: Claims 1-3, 8, and 13-18

10 The claims of the parties which do not correspond to Count 1, and therefore are  
11 not involved in the interference, are:

12 Johnson: Claims 1-7

13 Pieken: Claims 11, 12, 21, and 25-31

14 The parties are accorded the following benefit for Count 1:

15 Johnson: June 25, 1999 (filing date of 09/344,620, now 6,372,813 B1).

16 Pieken: May 1, 2001 (filing date of 09/845,742)

17 July 8, 1999 (filing date of 09/341,337)

18 January 8, 1998 (filing date of PCT/US98/00649)

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1       **Part G. Heading to be used on papers**

2       The following heading must be used on all papers filed in this interference, see

3 SO ¶ 106.1.1:

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AND INTERFERENCES

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10 (Administrative Patent Judge James T. Moore)

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**Part H. Order form for requesting file copies**

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When requesting copies of files, use of SO Form 4 will greatly expedite

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processing of the request. Please attach a copy of Parts E and F of this

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DECLARATION with a hand-drawn circle around the patents and applications for which

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a copy of a file wrapper is requested.

/James T. Moore/  
Administrative Patent Judge

Enc:

Copy of STANDING ORDER  
Copy U.S. Patent 6,372,813 B1  
Copy of claims of 09/845,742

Revised 3 January 2006

cc:

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